

REMARKS

Claims 1-3, 6-11, 13-19 and 22-32 are all the claims pending in the application.

Preliminary Matters

In the Amendment filed August 8, 2008, wherein Applicant indicated that pages 26-44 of the “Hot Spots That Can Turn a Street Corner into an Office” reference submitted in the Information Disclosure Statement (IDS) filed on April 3, are provided as evidenced by the page numbers on the bottom right hand corner of the submitted document. However, the Examiner asserts that pages 26-27 are still missing (Office Action page 2).

Applicant respectfully notes that pages 26-27 are provided with the submitted reference. Although the original publication of the submitted reference does not label pages 26-27, the submitted reference is a consecutive sequence of pages ranging from page “1” to page “23”, as evidenced by the numbering provided at the bottom center of the pages. Numbered page 22 corresponds to page 44 of the original publication, numbered page 21 corresponds to page 43 of the original publication and so on until numbered page 6 corresponds to page 28 of the original publication. As noted above, pages 26-27 are not labeled in the original publication, however, as clearly indicated at least by the numerical sequence, and also by the content on the pages, numbered pages 4-5 correspond to pages 26-27 of the original publication.

Accordingly, Applicant respectfully submits that the submitted IDS of April 3, 2008 complies with 37 C.F.R. § 1.98(a)(3), and respectfully requests the Examiner to consider pages 26-27 of “Hot Spots That Can Turn a Street Corner into an Office”.

Summary of the Office Action

Claims 1, 3, 6-7, 15-17, 19, 22-23 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takada et al. (U.S. Publication No. 2002/0089931; hereinafter “Takada”) in view of Jun (Japanese Patent Laid-open 2001-266018; hereinafter “Jun”).

Claims 2 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takada in view of Jun, and further in view of De Cnodder et al. (U.S. Publication No. 2003/0048791; hereinafter “De Cnodder”).

Claims 8-11, 13-14 and 24-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takada in view of Jun, and further in view of Hou (JP 2001-111727A; hereinafter “Hou”).

Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takada in view of Jun, and further in view of Kawano (Japanese Patent Laid-open 2001-298484; hereinafter “Kawano”).

Analysis of Claim Rejections

Independent claim 1 recites an internet connection service providing method, comprising:

 presetting a service class, among a plurality of service classes, for a user, wherein said service class is selected by the user,

 authenticating said user, when logging-in to a network, according to said preset service class for said user,

 recognizing said preset service class for said user, and

providing a service, corresponding to the recognized service class, to said user,

wherein advertisement data, which have been preliminarily received from an advertisement requester and accumulated, are distributed to said user in correspondence to said service class.

The Examiner acknowledges that Takada fails to teach or suggest advertisement data, which have been preliminarily received from an advertisement requester and accumulated, and are distributed to said user in correspondence to said service class. Instead, the Examiner relies on Jun as allegedly addressing this deficiency of Takada. Specifically, the Examiner asserts that “this well known feature of advertisement data which have been preliminarily received from an advertisement requestor and accumulated are distributed to said users in correspondence to said service class is disclosed in Jun (e.g. ‘it connected with...**while generating said service information based on said customer information memorized beforehand and transmitting said service information to said consumer premise equipment**’ - e.g. claim 12 and par. [0030]-[0032])” (Office Action, pages 5-6).

In paragraph 30, Jun discloses that the server 32, for vendors, has a hard disk storage 327 in which various processing programs are stored, “such as data, such as each vender’s Q original advertising information, and an information offer processing program for transmitting the predetermined information and the various predetermined messages of goods to Customer P according to the demand from a consumer premises equipment 2”. Jun further discloses that “Vendor Q set up before hand the content of the services offered for every customer ID and

attribute information transmitted from the consumer premises equipment 2 of the customer P” (paragraph 32). Although The Examiner seems to be asserting that since Jun discloses setting up the content of services beforehand, for every customer ID, and also discloses transmitting predetermined information such as advertising information to a customer, Jun therefore discloses setting up advertisement data for every customer ID. Assuming, *arguendo*, that the Examiner’s interpretation is correct, Jun still fails to teach or suggest distributing advertisement data in correspondence with *a service class*, as required by claim 1.

The Examiner instead asserts that “[it] would have been obvious to a person of ordinary skill in the art at the time of the invention that Jun’s customer information can include Takada et al.’s user service class information and incorporating Jun’s advertisement data which have been preliminarily received from an advertisement requestor and accumulated are distributed to said users in correspondence to said service class into Takada et al. motivated by increasing an opportunity to supply the advertisement of own goods to a customer according to a demand of a customer (Jun, par. [0030] and [0032])” (Office Action, page 6). Takada is directed toward “a flow controlling apparatus provided in a node that accesses a packet routing network... performing a rate-based congestion control on packets... as well as performing buffer management on buffers corresponding to the respective classes of such packets” (paragraph 2). Specifically, Takada discloses a DS type service class where packets supplied beyond the transmission bandwidth are discarded, a TS type service class where a minimum bandwidth is assured and excess bandwidth is assigned as appropriate, and a BE type service class where a

service is provided if bandwidth exists but a transmission bandwidth, delay time or quality are not assured (paragraphs 7-9). When the advertisement data of Jun is delivered to a customer of a customer ID, the advertisement data is delivered over some network. Combining the teachings of Takada and Jun would merely result in the advertisement data of Jun being delivered to a customer corresponding to each customer ID over either a DS type service class network, TS type service class network, or BE type service class network. However employing different service class networks would not increase an opportunity to supply an advertisement as asserted by the Examiner. Logically, regardless of how the advertisement data is received by the customer, as long as the customer receives the data, the network used makes no difference. Neither Takada nor Jun support the Examiner's alleged motivation to combine. The only possible motivation for the Examiner's proposed modification of Takada and Jun is the Applicant's own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

Accordingly, Applicant respectfully submits that claim 1 is patentable over the applied references. Additionally, claim 17 recites one or more features analogous to those discussed above with respect to claim 1, and is therefore patentable at least for reasons analogous to those given above with respect to claim 1. Applicant further submits that claims 2-3, 6-11 and 13-16 are patentable at least by virtue of their dependency on claim 1, and claims 18-19 and 22-32 are patentable at least by virtue of their dependency on claim 17.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Rohit K. Krishna /

Rohit K. Krishna
Registration No. 62,474

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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